

FILED
RICHARD W. NAGEL
CLERK OF COURT

10/27/2020

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO

DIVISION

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
WEST. DIV. DAYTON

Mason Scott Kuhn
(Enter Above the Name of the Plaintiff in this Action)

3:20-cv-437

vs.

Midmark Corporation
(Enter above the name of the Defendant in this Action)

If there are additional Defendants, please list them:

COMPLAINT

I. Parties to the action:

Plaintiff: Place your name and address on the lines below. The address you give must be the address where the court may contact you and mail documents to you. A telephone number is required.

Mason Scott Kuhn
Name - Full Name Please - PRINT
2269 Deerfield Crossing
Street Address
Piqua, Ohio 45356
City, State and Zip Code
937-541-1351
Telephone Number

If there are additional Plaintiffs in this suit, a separate piece of paper should be attached immediately behind this page with their full names, addresses and telephone numbers. If there are no other Plaintiffs, continue with this form.

Defendant(s):

Place the name and address of each Defendant you listed in the caption on the first page of this Complaint. This form is invalid unless each Defendant appears with full address for proper service.

1. Midmark Corporation
Name - Full Name Please
60 Vista Dr. Versailles, Ohio 45380
Address: Street, City, State and Zip Code
2. _____

3. _____

4. _____

5. _____

6. _____

If there are additional Defendants, please list their names and addresses on a separate sheet of paper.

II. Subject Matter Jurisdiction

Check the box or boxes that describes your lawsuit:

- ☒ Title 28 U.S.C. § 1343(3)
[A civil rights lawsuit alleging that Defendant(s) acting under color of State law, deprived you of a right secured by federal law or the Constitution.]
- ☐ Title 28 U.S.C. § 1331
[A lawsuit "arising under the Constitution, laws, or treaties of the United States."]
- ☐ Title 28 U.S.C. § 1332(a)(1)
[A lawsuit between citizens of different states where the matter in controversy exceeds \$75,000.]
- ☐ Title _____ United States Code, Section _____
[Other federal status giving the court subject matter jurisdiction.]

III. Statement of Claim

Please write as briefly as possible the facts of your case. Describe how each Defendant is involved. Include the name of all persons involved, give dates and places.

Number each claim separately. Use as much space as you need. You are not limited to the papers we give you. Attach extra sheets that deal with your statement claim immediately behind this piece of paper.

I I have a disability. On October 30, 2018 I disclosed in my New Hire Paperwork from Midmark Corporation. On or about November 9, 2018, I explained my disability to Jason Hemmelgarn (Supervisor) The following week, in a meeting with Hemmelgarn and Bethany (HR Rep) I asked for a reasonable accommodation that was NEVER provided. Over the next few weeks I was bullied and harrassed by my co-worker Josh Sargent. On November 28, 2018, I had a panic attack due to the harrassment. On December 2, 2018, I wrote a letter to Hemmelgarn at the direction of my Behavior Health Specialist, Dr. Kevin Horvath (Vandalia Ohio) regarding details of the continued harrassment. I was called into the office by Hemmelgarn and Bethany and told if I have another panic attack I would be discharged for safety. They stated they would investigate my harrassment complaint. On December 6, 2018 I was discharged by Hemmelgarn.

II I was told I was discharged because I didn't meet expectations, which I deny. The day before Hemmelgarn told me I was improving and keep up good work

III I believe I have been discriminated against because of my disability in violation of the Americans with Disability Act of 1990, as amended, and retaliated against for complaining of harassment and requesting a reasonable accommodation.

IV. Previous lawsuits:

If you have been a Plaintiff in a lawsuit, for each lawsuit state the case number and caption.
(Example, Case Number: 2:08-cv-728 and Caption: John Smith vs. Jane Doe).

Case Number

Caption

_____. vs. _____
_____. vs. _____
_____. vs. _____

V. Relief

In this section please state (write) briefly exactly what you want the court to do for you. Make no legal argument, cite no case or statutes.

Compensatory & Punitive Damages
Monetary Damages

I state under penalty of perjury that the foregoing is true and correct. Executed on

this 26 day of October, 2020


Signature of Plaintiff